

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 55 Alternative Treatment Options for Veterans

SPONSOR(S): Burgess, Jr. and others

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Health Innovation Subcommittee		Langston	Poche
2) Local, Federal & Veterans Affairs Subcommittee			
3) Health Care Appropriations Subcommittee			
4) Health & Human Services Committee			

SUMMARY ANALYSIS

Traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) are known as “signature wounds” for service members returning from the conflicts in Iraq and Afghanistan. According to the Department of Veterans Affairs (VA), between 11 percent and 20 percent of the individuals who served in these conflicts are diagnosed with PTSD each year.

Complementary and Alternative Medicine (CAM) is a class of therapy that includes treatments not considered standard in the current practice of Western medicine, such as acupuncture, yoga, meditation, and relaxation.

The efficacy of using CAM to treat TBI and PTSD is limited. However, the VA does recognize that many veterans are turning to CAM treatments as an adjunct to other traditional treatments. For example, CAM techniques such as relaxation and mindfulness are used in supporting cognitive behavioral therapies. Additionally, the use of CAM therapies, specifically for the management and treatment of mental health problems such as PTSD, is becoming more common and is increasing in usage.

HB 55, subject to legislative appropriation, authorizes the Florida Department of Veterans Affairs (FDVA) to contract with one or more individuals, corporations not for profit, state universities, or Florida College System institutions to provide the following alternative treatment options for veterans who have been certified by the VA, or any branch of the U.S. Armed Forces, as having a TBI or PTSD:

- Accelerated resolution therapy
- Acupuncture
- Equine therapy
- Hyperbaric oxygen therapy
- Meditation therapy
- Music therapy
- Outdoor and indoor sports therapy
- Service animal training therapy
- Yoga therapy

The bill requires that acupuncture be provided by a licensed acupuncturist pursuant to ch. 457, F.S. Also, the bill requires hyperbaric oxygen therapy to be provided by a licensed operator of a hyperbaric oxygen facility, pursuant to a written prescription from an individual licensed under ch. 458 or 459, F.S.

The bill is subject to an appropriation. The bill does not appear to have a fiscal impact on state or local governments.

The bill provides an effective date of July 1, 2017.

This document does not reflect the intent or official position of the bill sponsor or House of Representatives.

STORAGE NAME: h0055.HIS

DATE: 3/17/2017

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Traumatic Brain Injury and Post-Traumatic Stress Disorder

Traumatic brain injury (TBI) and post-traumatic stress disorder (PTSD) are known as “signature wounds” for service members returning from the conflicts in Iraq and Afghanistan. The nature of these conflicts, particularly the use of improvised explosive devices, increases the likelihood that active duty service members will be exposed to incidents, such as blasts, that can result in TBI or PTSD.¹

The Department of Defense (DoD) and the Defense and Veteran's Brain Injury Center estimate that 22 percent of all combat casualties from these conflicts are brain injuries.² The total number of veterans who have experienced TBI is not known, in part because TBI is difficult to identify, and in part because some veterans have not accessed United States Department of Veterans Affairs (VA) health care services.³ According to the VA, between 11 and 20 percent of the individuals who served in these conflicts are diagnosed with PTSD each year.⁴

A TBI is caused by a bump, blow or jolt to the head or a penetrating head injury that disrupts the normal function of the brain.⁵ TBIs vary in terms of severity. Mild TBI may cause temporary dysfunction of brain cells. More serious TBI can result in bruising, torn tissues, bleeding and other physical damage to the brain that can result in long-term complications or death.⁶ The majority of TBIs sustained by service members are classified as mild TBI, also known as concussion.⁷ Regardless of the severity of the TBI, it can have adverse effects on all aspects of social functioning, including employment, social relationships, independent living, functional status, and leisure activities.

The high rate of TBI and blast-related concussion events resulting from current combat operations directly impacts the health and safety of individual service members and, subsequently, the level of unit readiness and troop retention.⁸ As a result, the effects of TBIs impact each branch of the military, and throughout both the DoD and the VA health care systems.

Generally, PTSD can occur after an individual has experienced a trauma. According to the Mayo Clinic, PTSD is a mental health condition that is triggered by either experiencing or witnessing a terrifying event.⁹ Symptoms may include flashbacks, nightmares, severe anxiety, and uncontrollable thoughts about the event.¹⁰ PTSD may have a delayed onset, which is described as a clinically significant

¹ United States Government Accountability Office, *Defense Health Care, Research on Hyperbaric Oxygen Therapy to Treat Traumatic Brain Injury and Post-Traumatic Stress Disorder*, p. 1, available at <http://www.gao.gov/assets/680/674334.pdf> (last visited March 17, 2017).

² United States Department of Veterans Affairs, *PTSD: National Center for PTSD, Traumatic Brain Injury and PTSD*, available at <http://www.ptsd.va.gov/professional/co-occurring/traumatic-brain-injury-ptsd.asp> (last visited March 17, 2017).

³ Erin Bagalman, *Traumatic Brain Injury Among Veterans*, Congressional Research Service, Jan. 4, 2013, available at http://www.ncsl.org/documents/statefed/health/TBI_Vets2013.pdf (last visited March 17, 2017).

⁴ United States Department of Veterans Affairs, *PTSD: National Center for PTSD*, available at <http://www.ptsd.va.gov/public/PTSD-overview/basics/how-common-is-ptsd.asp> (last visited March 17, 2017).

⁵ Centers for Disease Control and Prevention, *Basic Information about Traumatic Brain Injury and Concussion*, available at <http://www.cdc.gov/traumaticbraininjury/basics.html> (last visited March 17, 2017).

⁶ *Supra*, note 4.

⁷ Defense and Veterans Brain Injury Center, *DoD Worldwide Numbers for TBI*, available at <http://dvbic.dcoe.mil/dod-worldwide-numbers-tbi> (last visited March 17, 2017).

⁸ Defense and Veterans Brain Injury Center, *TBI and the Military*, available at <http://dvbic.dcoe.mil/about/tbi-military> (last visited March 17, 2017).

⁹ Mayo Clinic, *Diseases and Conditions, Post-traumatic stress disorder (PTSD)*, available at <http://www.mayoclinic.org/diseases-conditions/post-traumatic-stress-disorder/basics/definition/con-20022540> (last visited March 17, 2017).

¹⁰ *Id.*

presentation of symptoms at least six months after exposure to trauma, and is one of the most prevalent mental disorders arising from combat.¹¹

Patients with TBI often meet the criteria for PTSD, and vice versa.¹² Many servicemembers returning from the conflicts in Iraq and Afghanistan have experienced a mild TBI, and also have PTSD related to their combat experience.¹³ Studies have found that one-third or more of servicemembers with mild TBI also have PTSD.¹⁴

As of August 2016, 27,015 veterans claiming Florida as their home state have been diagnosed with having either PTSD or TBI. Of that total, 2,779 veterans have been diagnosed as having TBI and 25,018 have been diagnosed as having PTSD. In 2015, 57,309 veterans were diagnosed with having either PTSD or TBI. Of that total, 2,839 veterans were diagnosed as having TBI and 56,064 veterans were diagnosed as having PTSD.¹⁵

VA Benefits and Treatment

An individual who served in the active military, naval, or air service, and who was not dishonorably discharged, may qualify for VA health care benefits.¹⁶ VA health benefits include necessary inpatient hospital care and outpatient services to promote, preserve, or restore a veteran's health. VA medical facilities provide a wide range of services, including mental health services.¹⁷ The VA provides specialty inpatient and outpatient mental health services at its medical centers and community-based outpatient clinics; additionally, readjustment counseling services may be available at veteran centers across the nation.¹⁸ For veterans with serious mental illness, the VA offers care tailored to help with their specific diagnosis and to promote recovery. Serious mental illnesses include a variety of diagnoses that result in significant problems functioning in the community.^{19,20}

Once a veteran is enrolled, a veteran will remain enrolled in the VA health care system unless they formally wish to disenroll. An enrolled veteran may seek care at any VA facility without being required or requested to reestablish eligibility for VA health care enrollment purposes.²¹ Veterans who are enrolled in the VA health care system do not pay premiums. However, some do have to pay copayments for medical services and outpatient medications related to the treatment of nonservice-connected conditions. Additionally, the VA classifies veterans into eight enrollment priority groups based on varying factors²² and, depending on which priority group a veteran is in, the veteran can be charged copayments for inpatient and outpatient care, outpatient medication, and long-term care services.

¹¹ Supra, FN 1 at p. 5.

¹² United States Department of Veterans Affairs, *PTSD: National Center for PTSD, Traumatic Brain Injury and PTSD*, available at <http://www.ptsd.va.gov/professional/co-occurring/traumatic-brain-injury-ptsd.asp> (last visited March 17, 2107).

¹³ Id.

¹⁴ Supra, FN 1 at p. 2.

¹⁵ Data obtained from FDVA. (on file with Health Innovation Subcommittee staff).

¹⁶ U.S. Department of Veterans Affairs, *Federal Benefits for Veterans, Dependents and Survivors*, available at http://www.va.gov/opa/publications/benefits_book/benefits_chap01.asp (last visited March 17, 2017).

¹⁷ U.S. Department of Veterans Affairs, *Health Benefits*, available at http://www.va.gov/HEALTHBENEFITS/access/medical_benefits_package.asp (last visited March 17, 2017).

¹⁸ Id.

¹⁹ *Guide to VA Mental Health Services*, U.S. Department of Veterans Affairs, at 10, available at http://www.mentalhealth.va.gov/docs/MHG_English.pdf (last visited March 17, 2017).

²⁰ United States Department of Veterans Affairs, *Federal Benefits for Veterans, Dependents and Survivors*, available at https://www.va.gov/opa/publications/benefits_book/Chapter_1_Health_Care_Benefits.asp (last visited March 17, 2017).

²¹ Sidath Viranga Panangala, *Health Care for Veterans: Answers to Frequently Asked Questions*, Congressional Research Service, Apr. 21, 2016, p. 4, available at <https://fas.org/sqp/crs/misc/R42747.pdf> (last visited March 17, 2017).

²² Factors include, but are not limited to, service-connected disabilities or exposures, prisoner of war status, receipt of a Purple Heart or Medal of Honor, and income. Id. at p. 26.

The VA may pay the necessary expense of travel, including lodging and subsistence, or an allowance based on mileage for eligible veterans going to vocational rehabilitation, counseling, examinations, treatment or care at a VA facility.²³

The VA and the DoD have worked together to develop joint clinical practice guidelines including guidelines for treatment for PTSD and TBI. These guidelines provide scientific evidence-based practice evaluations and interventions.²⁴ According to the VA, treatments for PTSD and TBI should be symptom-focused and evidence-based. Examples of treatments provided by the VA include cognitive behavioral therapy and Eye Movement Desensitization and Reprocessing therapy.²⁵

Complementary and Alternative Medicine (CAM)

The efficacy of using CAM to treat TBI and PTSD is limited. As such, the VA states that the current evidence base does not support the use of CAM as an alternative to the traditional treatments for PTSD. However, the VA does recognize that many veterans are turning to CAM treatments as an adjunct to other traditional treatments. For example, CAM techniques such as relaxation and mindfulness are used in supporting cognitive behavioral therapies.²⁶

Additionally, the use of CAM therapies, specifically for the management and treatment of mental health problems such as PTSD, is becoming more common and is increasing in usage.²⁷ Consequently, VA facilities may choose to provide these alternative services in addition to the more established evidence-based therapies. However, the VA does not have specific policies or guidance related to these alternative therapies.²⁸

Choice Program (Non-VA Care)

The Veterans Access, Choice, and Accountability Act of 2014²⁹ (Choice Program) was signed by President Obama on August 7, 2014. Under the Choice Program, veterans may be authorized by the VA to seek care outside of the VA health system if they meet any of the following requirements:³⁰

- **30 day wait list:** A veteran is informed by their local VA medical facility that an appointment may not be scheduled either:
 - Within 30 days of when the veteran's clinician determines he or she needs to be seen, or
 - Within 30 days of when the veteran wishes to see a provider.
- **40 miles or more distance:** A veteran lives 40 miles from a VA medical facility that has a full-time primary care physician.
- **40 miles or less distance:** A veteran does not reside in Guam, American Samoa, or the Republic of the Philippines, and:
 - Travels by air, boat, or ferry in order to receive care from their local VA facility; or
 - Incurs traveling burden based on environmental factors, geographic challenges, or a medical condition.
- **State or territory without a VA facility that provides inpatient, emergency and complex surgical care:** A veteran resides more than 20 miles from a VA medical facility and is in either:
 - Alaska
 - Hawaii

²³ 38 C.F.R. § 111 (2008).

²⁴ Katherine Blakeley and Don J. Jansen, *Post-Traumatic Stress Disorder and Other Mental Health Problems in the Military: Oversight Issues for Congress*, Congressional Research Service, Aug. 8, 2013, available at: <https://www.fas.org/sqp/crs/natsec/R43175.pdf> (last visited March 17, 2017).

²⁵ Supra, note 4.

²⁶ United States Department of Veterans Affairs, *Complementary and Alternative Medicine (CAM) for PTSD*, http://www.ptsd.va.gov/professional/treatment/overview/complementary_alternative_for_ptsd.asp (last visited March 17, 2017).

²⁷ Id.

²⁸ Id.

²⁹ Pub. L. No. 113-146, H.R. 3230, 113th Cong. (Aug. 7, 2014).

³⁰ Supra, FN 21 at p. 20.

- New Hampshire
- A U.S. territory, excluding Puerto Rico.

The Choice Program is administered by two private third-party contractors: Health Net Federal Services, LLC, and TriWest Healthcare Alliance Corporation. Either contractor will provide information to eligible veterans and schedule their appointments. All appointments must be within 30 calendar days. The contractor informs the VA when the appointment is scheduled. Additionally, all authorizations of care issued by either contractor must be pre-authorized prior to being delivered to veterans. Any service given to a veteran without prior authorization may not be covered by the VA. Lastly, a veteran's out-of-pocket expenses are the same as those under the VA health care system.³¹

The Comprehensive Addiction and Recovery Act of 2016

The Comprehensive Addiction and Recovery Act of 2016 (CARA),³² in part, established the Veterans Expedited Recovery Commission (Commission) to examine the evidence-based therapy treatment model used by the VA for treating mental health conditions of veterans. CARA also directs the Commission to examine the use of the following CAM therapies for mental health issues and identify the benefits for veterans:

- Music therapy;
- Equine therapy;
- Training and caring for service dogs;
- Yoga therapy;
- Acupuncture therapy;
- Meditation therapy;
- Outdoor sports therapy;
- Hyperbaric oxygen therapy;
- Accelerated resolution therapy; and
- Other therapies the Commission deems appropriate.

No later than 18 months after the first meeting, the Commission must submit a report on its findings and must include, among other things:

- Recommendations;
- An analysis of the evidence-based therapy model used by the VA for treating veterans with mental issues; and
- An examination of the CAM treatments and the potential benefits of incorporating those treatments in the VA model for treating veterans with mental health issues.

Lastly, no later than 90 days after the submission of the report, the Secretary of the VA must submit an action plan for implementing any recommendations made by the Commission and a timeframe for implementing CAM treatments department-wide.

³¹ Id. at p. 22.

³² Pub. L. No. 114-198, S. 524, 114th Cong. (July 22, 2016).

CAM in Other States³³

Five states have enacted legislation regarding the use of CAM. Four of these states – Colorado, Indiana, Minnesota and North Dakota – established a program to study the efficacy of CAM. Oklahoma appears to be the only state that explicitly allows HBOT for veterans.

State	Use of Complimentary and Alternative Medicine
Colorado ³⁴	The general assembly authorizes the state Department of Health Care Policy and Financing to implement a pilot program that would allow an eligible person with a disability to receive CAM. The purpose of the pilot program is to expand the choice of therapies available to eligible persons with disabilities, to study the success of CAM.
Indiana ³⁵	Requires the state department of health to study and report findings and recommendations to the legislative council concerning implementation of a program for the treatment of veterans who have traumatic brain injury or posttraumatic stress disorder. The law includes hyperbaric therapy among those therapies which are to be considered.
Minnesota ³⁶	A Minnesota-based academic or clinical research institution or institutions specializing in providing CAM education and clinical services shall implement a five-year demonstration project to improve the quality and cost-effectiveness of care provided to enrollees with neck and back problems.
North Dakota ³⁷	Provides for a legislative management study of the feasibility and desirability of providing nontraditional healing therapies for posttraumatic stress, TBI, and other neurological conditions for state veterans and their families. The list of therapies includes hyperbaric chamber therapies.
Oklahoma ³⁸	Establishes the veterans' TBI and recovery revolving fund to reimburse providers who treat veterans under the program. Requires the Oklahoma State University Center for Aerospace and Hyperbaric Medicine to develop and publish a standard treatment plan for hyperbaric therapy. Individual patient treatment plans must be reviewed and conform to this plan.

Florida Department of Veterans' Affairs

Florida has the nation's third largest veteran population with more than 1.6 million veterans, comprising 12 percent of the state's population aged 18 and older.³⁹

In 1988, Florida citizens approved a constitutional amendment to create the Florida Department of Veterans Affairs (the FDVA) as a separate agency charged with providing advocacy and representation for Florida's veterans and to intercede on their behalf with the VA.⁴⁰ The FDVA is the state agency that has statutory authority and responsibility for the provision of assistance to all former, present, and future members of the armed forces. Section 292.05(7), F.S., gives the FDVA the authority and responsibility to apply for and administer any federal programs and develop and coordinate such state programs as may be beneficial to the interests of the veterans of this state. The FDVA helps veterans gain access to federal benefits, including federally funded medical care, to improve their quality of life.

³³ Information obtained via email from National Conference of State Legislatures, August 3, 2016. (on file with Health Innovation Subcommittee staff).

³⁴ Colo. Rev. Stat. Ann. § 25.5-6-1303

³⁵ SB 180 (2014)

³⁶ Minn. Stat. Ann. § 256B.771

³⁷ HB 1424 (2013)

³⁸ SB 1604 (2014)

³⁹ Florida Department of Veterans' Affairs, *Our Veterans: Fast Facts*, available at <http://floridavets.org/our-veterans/profilefast-facts/> (last visited March 17, 2017).

⁴⁰ Florida Department of Veterans' Affairs, *About Us*, available at <http://floridavets.org/about-us/> (last visited March 17, 2017).

Complementary and Alternative Medicine (CAM)

CAM is a class of therapy that includes treatments not considered standard in the current practice of Western medicine, such as acupuncture, yoga, meditation, and relaxation.

Accelerated Resolution Therapy

Accelerated resolution therapy (ART) eliminates distressing memories of traumatic experiences and replaces the distressing memories and images with more pleasing ones.⁴¹ ART accomplishes this through sets of rapid eye movements similar to eye movements that occur during dreaming.⁴² The length of treatment with ART is based on the processing of one or more traumatic memories that contributes to symptoms of PTSD.⁴³ Depending on circumstances, it is possible to process up to three memories in a one-hour session.⁴⁴

Acupuncture

Section 457.102(1), F.S., defines acupuncture as a form of primary health care, based on traditional Chinese medical concepts and modern oriental medical techniques, that employs acupuncture diagnosis and treatment, as well as adjunctive therapies and diagnostic techniques, for the promotion, maintenance, and restoration of health and the prevention of disease. The statute defines acupuncture to include, but not be limited to:

- The insertion of acupuncture needles and the application of moxibustion⁴⁵ to specific areas of the human body;
- The use of electroacupuncture;
- Qi Gong;⁴⁶
- Oriental massage;
- Herbal therapy;
- Dietary guidelines; and
- Other adjunctive therapies, as defined the Board of Acupuncture.

Acupuncture may help ease chronic pain such as low-back pain, neck pain, and osteoarthritis; it may also help reduce the frequency of tension headaches and prevent migraine headaches.⁴⁷ However, clinical practice guidelines for acupuncture are inconsistent.⁴⁸

An individual must be licensed by the Board of Acupuncture to practice in Florida.⁴⁹

Equine therapy

Equine therapy is based on the use of horses and the equine environment. Equine therapy includes a wide range of horse-related activities.⁵⁰

⁴¹ Kevin Kip, et al., Brief Treatment of Symptoms of Post-Traumatic Stress Disorder (PTSD) by Use of Accelerated Resolution Therapy (ART®), Behavioral Sci., Vol. 2, Issue 2, (2012), available at <http://www.mdpi.com/2076-328X/2/2/115/htm> (last visited March 17, 2017).

⁴² Id.

⁴³ Id.

⁴⁴ Id.

⁴⁵ Moxibustion is a form of heat therapy in which dried plant materials called "moxa" are burned on or very near the surface of the skin. University of Minnesota, *Taking Charge of Your Health and Wellbeing: Moxibustion*, available at <https://www.takingcharge.csh.umn.edu/explore-healing-practices/moxibustion> (last visited March 17, 2017).

⁴⁶ Qi Gong is made up of mind-body-breathing techniques; it uses a combination of movement, self-massage, meditation, and breathing to relax the body. Qi Gong includes a number of Taoist and Buddhist meditative practices, including Tai Chi. Qigong Institute, *What is Qigong*, available at <https://www.qigonginstitute.org/category/5/what-is-qigong> (last visited March 17, 2017).

⁴⁷ National Institute of Health: National Center for Complementary and Integrative Health, *Acupuncture: In Depth*, available at <https://nccih.nih.gov/health/acupuncture/introduction> (last visited March 17, 2017).

⁴⁸ Id.

⁴⁹ S. 457.105, F.S.

- **Equine-Assisted Learning:** An experiential treatment where individuals interact with horses in a variety of activities, including catching and leading a horse around an obstacle course, to promote the development of life skills for educational, professional, and personal goals.
- **Equine-Assisted Therapy:** A treatment that incorporates horse activities and the equine environment with rehabilitative goals tailored to the patient's fine motor skills, large motor skills, communication, or behavioral needs in the form of therapeutic procedures such as:
 - **Equine-Facilitated Psychotherapy:** An interactive process in which a licensed mental health professional partners with suitable horses to address psychotherapy goals set by the mental health professional and the client.
 - **Hippotherapy:** A physical, occupational or speech therapy treatment strategy that uses equine movement to address impairments, functional limitations and disabilities in patients with neuromotor and sensory dysfunction.
 - **Therapeutic Horseback Riding.**

Equine therapies for mental disorders, while increasing in popularity, lack empirical support.⁵¹

Hyperbaric oxygen therapy

Hyperbaric oxygen therapy involves breathing pure oxygen in a pressurized room or tube.⁵² In a hyperbaric oxygen therapy chamber, the air pressure is increased to three times higher than normal air pressure so that an individual's lungs can gather more oxygen.⁵³ An increase in blood oxygen temporarily restores normal levels of blood gases and tissue function to promote healing and fight infection.⁵⁴ To benefit from hyperbaric oxygen therapy, an individual typically needs up to 40 treatments.⁵⁵

The Food and Drug Administration (FDA) has not approved HBOT as a treatment for TBI or PTSD. However, HBOT is currently in use for the following 14 FDA-accepted indications:⁵⁶

- Air or gas embolism.
- Carbon monoxide poisoning.
- Clostridial myositis and myonecrosis (gas gangrene).
- Crush injury, compartment syndrome, and other acute traumatic ischemias.
- Decompression sickness.
- Arterial insufficiency which includes non-healing wounds, diabetic foot wounds, hypoxic wounds, and other non-healing wounds.
- Exceptional blood loss anemia.
- Intracranial abscess.
- Necrotizing soft tissue infections.
- Osteomyelitis.
- Radiation tissue damage.
- Skin grafts and flaps.
- Thermal burns.

⁵⁰ Professional Association of Therapeutic Horsemen International, *Learn About EAAT*, available at <http://www.pathintl.org/resources-education/resources/eaat/27-resources/general/193-eaat-definitions> (last visited March 17, 2017); Equestrian Therapy, *What Is Equestrian Therapy?*, available at <http://www.equestriantherapy.com/> (last visited March 17, 2017).

⁵¹ Michael D. Anestis, et al., *Equine-Related Treatments For Mental Disorders Lack Empirical Support: A Systematic Review of Empirical Investigations*, *Journal of Clinical Psychology*, Vol. 70, Issue 12 (Dec. 2014).

⁵² Mayo Clinic, *Hyperbaric oxygen therapy: Definition*, available at <http://www.mayoclinic.org/tests-procedures/hyperbaric-oxygen-therapy/basics/definition/prc-20019167> (last visited March 17, 2017).

⁵³ Id.

⁵⁴ Mayo Clinic, *Hyperbaric oxygen therapy: Why it's done*, available at <http://www.mayoclinic.org/tests-procedures/hyperbaric-oxygen-therapy/basics/why-its-done/prc-20019167> (last visited March 17, 2017).

⁵⁵ Mayo Clinic, *Hyperbaric oxygen therapy: Results*, available at <http://www.mayoclinic.org/tests-procedures/hyperbaric-oxygen-therapy/basics/results/prc-20019167> (last visited March 17, 2017).

⁵⁶ United States Food and Drug Administration, *Hyperbaric Oxygen Therapy: Don't Be Misled*, available at <http://www.fda.gov/forconsumers/consumerupdates/ucm364687.htm> (last visited March 17, 2017).

- Idiopathic sudden sensorineural hearing loss.

Some researchers have reported positive results with using HBOT to treat PTSD or TBI. In contrast, the DoD, in conjunction with the VA, conducted a clinical trial that was published in January 2015 that concluded that HBOT showed no benefits for treating PTSD and/or TBI.⁵⁷

Meditation therapy

Mediation therapy is a mind and body practice⁵⁸ that is used to increase calmness and physical relaxation, improve psychological balance, cope with illness, and enhance overall health and well-being.⁵⁹ There are many types of meditation, but most have four elements in common:

- A quiet location with as few distractions as possible;
- A specific, comfortable posture – sitting, lying down, walking, or other positions;
- A focus of attention – a specially chosen word or set of words, an object, or the sensations of breath; and
- An open attitude – letting distractions come and go naturally without judging them.⁶⁰

Music therapy

Music therapy is the specialized use of music to address an individual's social, communication, emotional, physical, cognitive, sensory and spiritual needs.⁶¹ After assessing the strengths and needs of each client, a qualified music therapist provides treatment, which may include creating, singing, moving to, or listening to music.⁶² Music therapy also provides a method of communication that can be helpful to those who find it difficult to express themselves in words.⁶³ Research in music therapy supports its effectiveness in many areas, such as:

- Overall physical rehabilitation and facilitating movement;
- Increasing people's motivation to become engaged in their treatment;
- Providing emotional support for clients and their families; and
- Providing an outlet for expression of feelings.⁶⁴

Outdoor and indoor sports therapy

Sport therapy is defined as any intervention that focuses on an organized physical activity done alone or with a group. Interventions include competitive and non-competitive sports and games.⁶⁵ Sport interventions include all forms of physical activity that contribute to physical fitness, mental well-being and social interaction, including recreational, organized, casual or competitive sport, and indigenous sports or games.⁶⁶ In non-randomized controlled studies, physical activity programs are associated with improved self-image, prevention of eating disorders, fewer symptoms of depression and anxiety, and

⁵⁷ R. Scott Miller, *Effects of Hyperbaric Oxygen on Symptoms and Quality of Life Among Service Members with Persistent Postconcussion Symptoms*, JAMA Internal Medicine, January 2015, available at <http://jamanetwork.com/journals/jamainternalmedicine/fullarticle/1935931> (last visited March 17, 2017).

⁵⁸ Mind and body practices focus on the interactions among the brain, mind, body, and behavior.

⁵⁹ National Institute of Health: National Center for Complementary and Integrative Health, *Mediation: In Depth*, available at <https://nccih.nih.gov/health/meditation/overview.htm> (last visited March 17, 2017).

⁶⁰ Id.

⁶¹ The Certified Board for Music Therapists, available at <http://www.cbmt.org/> (last visited March 17, 2017).

⁶² American Music Therapy Association, *What is Music Therapy*, available at <http://www.musictherapy.org/about/musictherapy/> (last visited March 17, 2017).

⁶³ American Music Therapy Association, *What is Music Therapy: Definitions and Quotes About Music Therapy*, available at <http://www.musictherapy.org/about/quotes/> (last visited March 2, 2017).

⁶⁴ Id.

⁶⁵ S. Lawrence, M. De Silva, and R. Henley, *Sports and games for post-traumatic stress disorder (PTSD)*, Cochrane Database System Review, (Jan. 2010), available at, <http://onlinelibrary.wiley.com/doi/10.1002/14651858.CD007171.pub2/full> (last visited March 17, 2017).

⁶⁶ Id.

decreased substance abuse.⁶⁷ Sports and games may be able to alleviate symptoms of PTSD such as fear, anxiety and distress; however, research is lacking to evaluate its effectiveness.⁶⁸

Service animal training therapy

A service animal is an animal trained to do specific tasks for a person that he or she cannot do because of a disability. An emotional support animal is a pet that helps its owner with a mental health condition.⁶⁹

Section 413.08(1)(d), F.S. defines a service animal as one that is trained to do work or perform tasks for an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. A service animal may provide the following services:

- Guiding an individual who is visually impaired or blind;
- Alerting an individual who is deaf or hard of hearing;
- Pulling a wheelchair;
- Assisting with mobility or balance;
- Alerting and protecting an individual who is having a seizure;
- Retrieving objects;
- Alerting an individual to the presence of allergens;
- Providing physical support and assistance with balance and stability to an individual with a mobility disability;
- Helping an individual with a psychiatric or neurological disability by preventing or interrupting impulsive or destructive behaviors;
- Reminding an individual with mental illness to take prescribed medications;
- Calming an individual with posttraumatic stress disorder during an anxiety attack; or
- Doing other specific work or performing other special tasks.⁷⁰

It generally takes approximately one year to train a service animal.⁷¹ The animal must be trained to mitigate the individual's disability and behave appropriately in public. Clinically, there is not sufficient research to know if service animals help treat PTSD and its symptoms.⁷² Additionally, information is not available on the therapeutic value of training a service animal.

Yoga therapy

Yoga is a mind and body practice with origins in ancient Indian philosophy.⁷³ The various styles of yoga typically combine physical postures, breathing techniques, and meditation or relaxation.⁷⁴ Yoga therapy is the appropriate application of the practice of yoga in a therapeutic context to support a consistent yoga practice that will increase self-awareness and engage an individual's energy in the direction of desired goals.⁷⁵ The goals of yoga therapy include:

⁶⁷ Id.

⁶⁸ Id.

⁶⁹ United States Department of Veterans Affairs, *Dogs and PTSD*, available at http://www.ptsd.va.gov/public/treatment/cope/dogs_and_ptsd.asp (last visited March 17, 2017).

⁷⁰ S. 413.08(1)(d), F.S.

⁷¹ Psychiatric Service Dog Partners, *Training – Basics*, available at <http://www.psychdogpartners.org/resources/frequently-asked-questions/fag-training-basics> (last visited March 17, 2017).

⁷² Supra, note 69.

⁷³ National Institute of Health: National Center for Complementary and Integrative Health, *Yoga*, available at <https://nccih.nih.gov/health/yoga> (last visited March 17, 2017).

⁷⁴ Id.

⁷⁵ The International Association of Yoga Therapists, *Educational Standards for the Training of Yoga Therapists: Definition of Yoga Therapy*, Jul. 1, 2012, available at, http://c.ymcdn.com/sites/www.iayt.org/resource/resmgr/Docs_Articles/IAYTDef_YogaTherapy_Ed_Stand.pdf (last visited March 17, 2017).

- Eliminating, reducing, or managing symptoms that cause suffering;
- Improving function;
- Helping to prevent the occurrence or reoccurrence of underlying causes of illness; and
- Moving toward improved health and wellbeing.⁷⁶

Effect of Proposed Changes

HB 55, subject to legislative appropriation, authorizes the FDVA to contract with one or more individuals, corporations not for profit, state universities, or Florida College System institutions to provide the following alternative treatment options for veterans who have been certified by the VA, or any branch of the U.S. Armed Forces, as having a TBI or PTSD:

- **Accelerated resolution therapy:** defined as a process that replaces negative images and sensations with positive ones, uses specific eye movements in conjunction with controlled verbalization about details of the prior traumatic experience, and uses metaphors and other interventions to assist the patient in recalling less distressing images while retaining the facts of the original experience.
- **Acupuncture:** defined by cross-reference to s. 457.102, F.S.
- **Equine therapy:** defined as the use of interaction with horses under the supervision of a trained equine instructor to improve the patient's sense of trust and self-efficiency, increase communication, socialization, and emotional management skills, and decrease isolation.
- **Hyperbaric oxygen therapy:** defined as the use of 100-percent oxygen at an increased level of atmospheric pressure to promote the delivery of oxygen from the environment to the patient's bloodstream, organs, and tissues.
- **Meditation therapy:** defined as the use of physical positions or relaxation techniques to encourage calm, reflective thinking and self-inquiry.
- **Music therapy:** defined as the use of music listening or performance to address the patient's physical, emotional, cognitive, and social needs and to facilitate communication and expression.
- **Outdoor and indoor sports therapy:** defined as the use of sports involving physical activity or action to improve the patient's functional, occupational, and physical fitness that do not involve contact with the patient's head.
- **Service animal training therapy:** defined as a technique that allows the patient to work directly with an animal trainer to train animals as therapy or service animals.
- **Yoga therapy:** defined as the use of physical postures, breathing techniques, and meditation or relaxation for the purpose of reducing the patient's physical, mental, or emotional stress.

The bill requires that acupuncture be provided by a licensed acupuncturist under ch. 457, F.S. and that hyperbaric oxygen therapy be provided by a licensed operator of a hyperbaric oxygen facility pursuant to a written prescription from an individual licensed under ch. 458 or 459, F.S.

The alternative treatment must have at least one scientific or medical peer-reviewed study that shows the treatment has a positive effect on TBI or PTSD. Additionally, alternative treatment must be under the direction or supervision of a licensed physician, osteopathic physician, chiropractic physician, psychologist, or a clinical social worker, marriage and family therapist or mental health counselor.

The bill provides an effective date of July 1, 2017.

⁷⁶ Id.

B. SECTION DIRECTORY:

Section 1: Creates s. 295.156, relating to alternative treatment options for veterans.

Section 2: Provides an effective date of July 1, 2017.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None, unless the Legislature appropriates funds for the purpose of the bill. In that case, therapies will be provided up to the limit of the appropriation. There is no additional fiscal impact beyond the appropriated funds.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Should the Legislature provide an appropriation, the bill will have a positive impact on veterans opting to receive alternative treatments for PTSD or TBI in lieu of traditional treatments.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. The bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill provides FDVA with sufficient rulemaking authority to implement the provisions of the bill.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES